

Message Text

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ACTION DLOS-07

INFO OCT-01 AF-10 ARA-16 EUR-25 EA-11 NEA-14 ISO-00 CIEP-03

CG-00 CIAE-00 DODE-00 PM-07 H-03 INR-11 L-03 NSAE-00

NSC-07 PA-04 RSC-01 PRS-01 SP-03 SS-20 USIA-15 OIC-04

AID-20 CEQ-02 COA-02 COME-00 EB-11 EPA-04 IO-14

NSF-04 SCI-06 FEA-02 ACDA-19 CEA-02 AEC-11 AGR-20

DOTE-00 FMC-04 INT-08 JUSE-00 OMB-01 TRSE-00 DRC-01

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R 312232Z JUL 74

FM AMEMBASSY CARACAS

TO SECSTATE WASHDC 5070

INFO AMEMBASSY BELGRADE

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AMEMBASSY BUENOS AIRES

AMEMBASSY CANBERRA

AMEMBASSY CONAKRY

AMEMBASSY DACCA

AMEMBASSY GEORGETOWN

AMEMBASSY ISLAMABAD

AMEMBASSY LONDON

AMEMBASSY MEXICO CITY

AMEMBASSY MOSCOW

AMEMBASSY NAIROBI

AMEMBASSY NEW DELHI

AMEMBASSY PANAMA

AMEMBASSY PARIS

USLO PEKING

AMEMBASSY ROME

AMEMBASSY STOCKHOLM

AMEMBASSY TANANARIVE

AMEMBASSY TRIPOLI

AMEMBASSY VIENNA

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E.O. 11652: N/A

TAGS: PLOS

SUBJECT: LOS: DAILY REPORT, 29 JUNE 1974, COMMITTEE 3

FROM US DEL LOS

1. SUMMARY. COMMITTEE 3 HELD TWO SESSIONS ON MARINE SCIENTIFIC RESEARCH, DEVOTING THE MAJORITY OF THE DEBATE TO THE QUESTION OF CONSENT, PARTICIPATION, AND OBLIGATIONS OF COASTAL STATES. THE DEBATE WAS ENCOURAGING IN THAT FOR THE FIRST TIME DELEGATIONS FOCUSED ON ARTICLE 7 OF THE US PROPOSAL AND COMMENTED UPON THESE OBLIGATIONS AS AN ALTERNATIVE TO A CONSENT REGIME. END SUMMARY.

2. THE FOLLOWING SOME COMMENTS ON HOW BEST TO ORGANIZE THE WORK OF THE COMMITTEE, THE DISCUSSION EVOLVED INTO A DEBATE ON CONSENT, PARTICIPATION, AND OBLIGATIONS OF COASTAL STATES. THE SOVIET UNION INTORODUCED A PROPOSAL WHICH CALLED FOR CONSENT FOR RESEARCH RELATED TO EXPLORATION OR EXPLOITATION OF THE MINERAL AND NATURAL RESOURCES OF THE ECONOMIC ZONE WITH OTHER RESEARCH TO BE CONDUCTED FREELY. THIS PROPOSAL WAS GENERALLY SUPPORTED BY THE EASTERN EUROPEANS. THE UK AND US INDICATED IT MIGHT BE A USEFUL BASIS FOR DISCUSSIONS.

3. PAKISTAN REINTRODUCED THEIR PROPOSAL PRESENTED TO THE SEABEDS COMMITTEE (L.55) WHICH CALL FOR EXPLICIT COASTAL STATE CONSENT IN THE CONOMIC ZONE. THIS PROPOSAL RECEIVED GENERAL SUPPORT FROM INDIA, TRINIDAD AND TOBAGO, SPAIN, ARGENTINA, PRC, MADASCAR, MALAYSIA, LIBYA, GUINEA, CHILE, BANGLADESH, TUNISIA, YUGOSLAVIA, AND BRAZIL. INDIA CARRIED MOST OF THE DEBATING LOAD FOR THE PROPONENTS OF EXPLICIT CONSENT, POINTING OUT THAT CONSENT WAS NECESSARY TO PROTECT THE INTERESTS OF COASTAL STATES AND ONLY THE COASTAL STATE COULD LOGICALLY DETERMINE WHAT THOSE INTERESTS WERE. AUSTRALIA, ALTHOUGH NOT SPECIFICALLY SUPPORTING L.55, WAS VOCAL IN THEIR SUPPORT FOR A COASTAL STATE CONSENT REGIME.

4. IN SEVERAL SHORT INTERVENTIONS, JAPAN INDICATED THAT UNCLASSIFIED

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THEY WOULD BE WILLING TO SUPPORT CONSENT FOR RESOURCE-RELATED RESEARCH AS LONG AS THERE WAS A STIPULATION THAT SUCH CONSENT COULD NOT NORMALLY BE WITHHELD. FOR RESEARCH NOT RELATED TO RESOURCES, THEY STATED NOTIFICATION TO THE COASTAL STATE WOULD BE SUFFICIENT. THEY ALSO INDICATED THAT JAPAN GENERALLY WISHED TO LIMIT COASTAL STATE RIGHTS TO HINDER RESEARCH BY ATTEMPTING TO ALTER A SPECIFIC PROPOSAL ONCE THE PLANNINE PHASE HAD BEEN COMPLETED.

5. SPAIN AND BRAZIL TOOK EXTREMELY HARD-LINE POSITIONS, POINTING OUT THAT THE BASIC ISSUE WAS JURISDICTIONAL IN NATURE, AND A COASTAL STATE RIGHT OF CONSENT WAS AN ABSOLUTE NECESSITY. SPAIN PROPOSED THAT THE DEBATE BE ENDED AND THAT THE COMMITTEE AGREE ON TWO ALTERNATIVES; CONSENT AND NO CONSENT. THEY FURTHER SUPPORTED A RIGHT FOR ISRA TO CONTROL ALL SCIENTIFIC RESEARCH ON THE DEEP SEABED.

6. GUYANA STATED THAT THEY WOULD INTRODUCE A FORMAL PROPOSAL CALLING FOR CONSENT IN THE ECONOMIC ZONE ALONG THE LINES OF THE 1958 CONTINENTAL SHELF CONVENTION, I.E. THAT CONSENT "SHOULD NOT NORMALLY BE WITHHELD." THIS PROPOSAL RECEIVED SOME GENERAL SUPPORT.

7. PANAMA AND KENYA MADE GENERALLY HELPFUL INTERVENTIONS ASKING FOR CLARIFICATION OF VARIOUS ASPCECTS OF THE US DRAFT ARTICLES. THEIR INTERVENTIONS FOCUSED ATTENTION ON OUR PRPOOSAL AND GAVE THE US REP AN OPORTUNITY TO EXPLAIN IN DETAIL VARIOUS ASPECTS OF OUR ARTICLES.

8. ITALY REINTRODUCED THEIR DRAFT ARTICLES PRESENTED TO THE SEABED COMMITTEE (L.50) WHICH PROVIDES FOR A PERESUMPTIVE CONSENT REGIME, STATING THAT A SIX MONTH NOTIFICATION SHOULD BE GIVEN TO THE COASTAL STATE, AND IF NO ANSWER IS RECEIVED WITHIN THREE MONTHS CONSENT WOULD BE PRESUMED. THEY STATED, HOWEVER, THAT THEY WERE NOT WEDDED TO THIS PROPOSAL, AND ANY BALANCED APPROACH WOULD BE SATISFACTORY TO THEM. THEIR PROPOSAL RECEIVED SUPPORT FROM SEVERAL DELEGATIONS.

7. FRANCE, IN GENERAL, SUPPORTED THE ITALIAN PROPOSAL AND STATED THEY WOULD INTRODUCE ARTICLES CALLING FOR CONSENT FOR RESOURCE-RELATED RESEARCH BUT THAT SUCH CONSENT SHOULD NOT UNCLASSIFIED

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UNNECESSARILY BE WITHHELD. THEY ALSO MADE REFERENCE TO IOC RESOLUTION VI-13 STATING THAT THIS COULD BE THE BASIS FOR FURTHER DELIBERATIONS.

8. MEXICO MADE A LENGTHY INTERVENTION STATING THAT IT WAS NECESSARY FOR A COASTAL STATE TO HAVE A RIGHT OF CONSENT BUT THAT SUCH CONSENT SHOULD NOT BE UNJUSTIFIABLY DENIED. THEY THEN PROPOSED A SERIES OF "INCENTIVES" WHEREBY THE RESEARCHER "COULD ENCOURAGE" THE COASTAL STATE TO GRANT SUCH CONSENT. THESE INCENTIVES INCLUDED A COASTAL STATE RIGHT OF PARTICIPATION AND REPRESENTATION IN THE PLANNING AND CARRYING OUT OF THE RESEARCH AND WORK-UP OF RESULTS; OPEN PUBLICATION; ASSISTANCE TO THE COASTAL STATE IN EVALUATING THE RESULTS; SYSTEMATIC TECHNOLOGY TRANSFER TO THE COASTAL STATE; AND INTERNATIONAL OCEANOGRAPHIC COORDINATION CENTERS TO BE

ESTABLISHED ON A REGIONAL BASIS. THE REPRESENTATIVE OF MEXICO ELABORATED SOMEWHAT ON THE NEED FOR COORDINATION OF SCIENTIFIC ACTIVITIES AND STATED THAT REGIONAL CENTERS COULD BE NOTIFIED AS LONG AS ONE YEAR IN ADVANCE, AND COULD THEN ACCOMPLISH SUCH COORDINATION.

9. AUSTRIA AND SWEDEN MADE VERY HELPFUL STATEMENTS POINTING OUT THAT THE INTERESTS OF THE COASTAL STATES WERE NOT REALLY SAFEGUARDED BY A CONSENT REGIME AND POINTING OUT THE ADVANTAGES TO THE COASTAL STATE OF A SERIES OF OBLIGATIONS SUCH AS CONTAINED IN THE US PROPOSAL. AUSTRIA ALSO EXPRESSED THE JURISDICTIONAL QUESTION, STATING THAT THE RIGHTS IN THE ECONOMIC ZONE MUST NECESSARILY BE DIFFERENT FROM THOSE IN THE TERRITORIAL SEA IF THE TWO AREAS ARE IN FACT TO BE FUNCTIONALLY DIFFERENT.

STEVENSON

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Message Attributes

Automatic Decaptoning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, MEETINGS, MEETING REPORTS, COMMITTEES
Control Number: n/a
Copy: SINGLE
Draft Date: 31 JUL 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974CARACA07260
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740209-0855
From: CARACAS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t1974074/aaaaacqe.tel
Line Count: 184
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION DLOS
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 11 JUL 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <11 JUL 2002 by thomasv0>; APPROVED <17 JUL 2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS: DAILY REPORT, 29 JUNE 1974, COMMITTEE 3 FROM US DEL LOS
TAGS: PLOS, PBOR, VE
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005